

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-181-C - ORDER NO. 2002-578 ✓ ~~410~~

AUGUST 9, 2002

IN RE: Petition of US LEC of South Carolina, Inc. for Arbitration with Verizon South, Inc.))))	ORDER GRANTING REQUEST TO CHANGE ARBITRATION SCHEDULE
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the joint Request for Change to the Arbitration Schedule filed by Verizon South Inc. ("Verizon") and US LEC of South Carolina, Inc. ("US LEC") (collectively referred to as "Parties").

On May 24, 2002, US LEC filed a Petition for Arbitration requesting arbitration of an interconnection agreement with Verizon. The Petition was filed pursuant to the provision of Section 252 of the Telecommunications Act of 1996 ("1996 Act"). By its Petition, US LEC requests the Commission to arbitrate and decide unresolved issues related to negotiation of an interconnection agreement between US LEC and Verizon, with respect to interconnection between the Parties in the State of South Carolina. Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation, or in this on or before September 15, 2002. Accordingly, the Commission in Order No. 2002-483 (June 25, 2002) established an arbitration plan and schedule to assist the Commission in adhering

to the timeframes set forth in the 1996 Act. By Order No. 2002-557 (July 31, 2002), the Commission modified the arbitration schedule to change the hearing date to Monday, August 12, 2002.

By their Request for Change to the Arbitration Schedule, the Parties advise the Commission that they have been able to resolve some issues in the case such that the Parties indicate that no hearing is necessary. The Parties request that the Commission (1) accept final briefs in lieu of prehearing briefs, (2) that the Commission enter the prefiled testimony into the record of this matter, and (3) that the Commission decide the remaining issues on the basis of the final briefs and the prefiled testimony. The Parties further request that the Commission accept final briefs on August 15, 2002, rather than on the scheduled hearing date of August 12, 2002.

The Commission, upon consideration of the Parties' request, finds that the Parties have effectively and knowingly waived the hearing scheduled for this matter and have consented to the Commission deciding the matter on the basis of written materials, namely the Petition, Response, prefiled testimony from the Parties, and final briefs from the Parties. The materials will comprise the record in this matter upon which the Commission will base its decision.

Accordingly, the hearing scheduled pursuant to Order No. 2002-557, dated July 31, 2002, is cancelled, and the parties are directed to file final briefs in this matter by close of business on August 15, 2002. Further, the Parties shall serve each other with copies of their respective final briefs. Service on the parties and the Commission of the final briefs shall be made by the close of business on **August 15, 2002**, with the final

briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified. If actual, physical service cannot be accomplished on August 15, 2002, as indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the final briefs by the close of business on August 15, 2002, with over-night delivery to follow.

IT IS THEREFORE ORDERED THAT:


1. The hearing scheduled for Monday, August 12, 2002, at 11:00 A.M. is postponed.
2. In lieu of prehearing briefs, the Parties shall file final briefs by close of business on August 15, 2002, with such filing and service as described herein.
3. The testimony of the parties prefiled in this matter shall be made a part of the record of this proceeding.
4. The record upon which the Commission will decide the outstanding issues will include the Petition, Response, prefiled testimony of the Parties, and the final briefs of the Parties.

AUGUST 9, 2002

PAGE 4

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)